REMARKS/ARGUMENTS

Initially, Applicants note that the Examiner has apparently not returned an initialed copy of Forms PTO/SB/08A/B filed with Applicants' Information Disclosure Statements filed on February 26, 2002, July 30, 2003, October 31, 2003 and September 23, 2004. If the Examiner requires a further copy of the Information Disclosure Statements, Applicants respectfully request that the Examiner contact Applicants' undersigned counsel of record.

Applicants thank the Examiner for his careful consideration of this application. In response to the above identified Office action, Applicants amend the application and seeks reconsideration, reexamination and allowance thereof. In this case, Applicants do not cancel or add any claims. Applicants amend claims 1 and 39. According to claims 1 through 79 remain pending in the application.

I. SUMMARY OF THE INTERVIEW

An interview was conducted with the Examiner on April 19, 2005. During the interview the rejections of the claims under section 35 U.S.C. 101 and 112 were discussed as well as the rejection of the claims under 35 U.S.C. § 103. No agreements were reached during the interview. During the interview the Applicants' attorney sought clarification as to how U.S. patent no. 6,233,565 ("Lewis") and U.S. patent no. 6,005,945 ("Whitehouse") taught the element of a "stateless cryptographic module" in claim 1. Applicants' attorney pointed out that the section of Lewis cited by the Examiner in the Office action mailed January 7, 2005 appeared to discuss the use of a finite

state machine. Thus, the cited section of <u>Lewis</u> appears to teach exactly the opposite of a stateless cryptographic module. The Examiner indicated that he would need to further review his rejection and was unable to clarify this position during the interview. Applicants' attorney also requested clarification as to the motivation for combining <u>Lewis</u> and <u>Whitehouse</u>. The motivation provided to combine these references in the Office Action of January 7, 2005 was that it would have been obvious to one of ordinary skill in the art to "modify the inventive concept of Whitehouse to include Lewis et al's. stateless cryptographic module for authenticating the one or more users because this would have enhance (sic) the security of the system." Applicants' attorney requested clarification as to how <u>Lewis</u> provided the enhanced security to <u>Whitehouse</u>. The Examiner again indicated that he would have to further review the matter and wasn't able to provide an answer during the interview.

II. <u>CLAIMS REJECTED UNDER 35 U.S.C. § 112 and 35 U.S.C. § 101</u>

Claims 1 and 39 stand rejected under 35 U.S.C. § 112 and under 35 U.S.C. § 101. Applicant has amended these claims to remove the language rejected by the Examiner. The Examiner indicated during the interview April 19, 2005 that if this language was removed, the rejections would be overcome. Accordingly, reconsideration and withdrawal of the rejection of these claims are requested.

III. <u>CLAIMS REJECTED UNDER 35 U.S.C. § 103</u>

Claims 1 through 79 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. patent no. 6,005,945 issued to

Whitehouse (hereinafter "Whitehouse") in view of U.S. patent no. 6,233,565 issued to Lewis et al. (hereinafter "Lewis"). Applicants respectfully request that the Examiner reconsider and withdraw the rejections of these claims.

In order to establish a *prima facie* case of obviousness, the Examiner must show that the cited references teach or suggest each of the elements of a claim. With regard to independent claim 1, this claim includes the elements of "a stateless cryptographic module for authenticating the one or more users." The Examiner admits that Whitehouse does not teach these elements of the claim. Rather, the Examiner relies on Lewis for teaching these elements. However, the Applicant has reviewed the cited sections of Lewis but has been unable to discern any part therein that teaches or suggests these elements of the claims. Rather, the cited section of Lewis appears to discuss the use of a finite state machine. Thus, the cited section of Lewis appears to teach the opposite of the claimed element. Also, Applicants would like to draw the Examiner's attention to Col. 27 lines 51-53, which states that separate PSDs are maintained for each client by the system of Lewis, further underscoring that Lewis does not teach a "stateless cryptographic module" as claimed. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness for claim 1. Accordingly, reconsideration and withdrawal of the obviousness rejection of this claim are requested.

In regard to claims 2 through 38, these claims dependent from independent claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in

regard to independent claim 1, these claims are not obvious over Whitehouse in view of Lewis. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 2 through 38 are requested.

In regard to claim 39, this claim includes the elements of "wherein each security device transaction data can be processed in the server system in a stateless manner." The Examiner cites the same section of Lewis as teaching this element of claim 39 as relied upon for teaching a stateless cryptographic module in claim 1. Thus, at least for the reasons mentioned above in regard to independent claim 1, Lewis does not teach these element of claim 39. Therefore, Whitehouse in view of Lewis does not teach or suggest each of the elements of this claim. Further, for the reasons mentioned above in regard to independent claim 1, the Examiner has not established a proper basis for combining Lewis with Whitehouse. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness for Whitehouse in view of Lewis for claim 39. Accordingly, reconsideration and withdrawal of the obviousness rejection of this claim are requested.

In regard to claims 40 through 79, these claims depend from independent claim 39 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claim 39, these claims are not obvious over Whitehouse in view of Lewis. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.
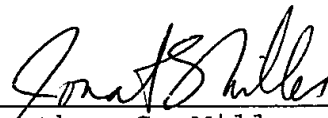
CONCLUSION

In view of the foregoing it is believed that all claims now pending, namely claims 1 through 46, patentably define the subject mentioned over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward toward allowance, the Examiner is encouraged to contact the undersigned at (626) 795-9900.

Respectfully submitted,

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